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SUMMARY RECORD OF THE 378th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 23 May 1997, at 10 a.m.

Chairperson: Miss MASON

CONTENTS

CONSIDERATION OF REPORTS OF STATES PARTIES (continued)

Initial report of Ghana (continued)

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The meeting was called to order at 10.10 a.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 6) (continued)

Initial report of Ghana (continued) (CRC/C/3/Add.39; CRC/C/Q/GHA/1)

1. At the invitation of the Chairperson, the Ghanaian delegation resumed its place at the Committee table.

2. The CHAIRPERSON invited the Ghanaian delegation to reply to the questions asked by members of the Committee at the previous meeting.

3. Mrs. KATSRIKU (Ghana), referring to the questions on the related issues of child labour and street children, said that child labour existed in the informal sector of the Ghanaian economy and that street children constituted a segment of child labour. The Labour Decree 1967 had allowed children under the age of 15 to perform light domestic and agricultural work. The Government believed that such work was a process of socialization and that through practice and learning children became responsible citizens in later life. The same Decree allowed children aged between 15 and 18 to work for remuneration, in conformity with the ILO Convention on the minimum age for work which Ghana had ratified. It was known, however, that some children below the minimum age were working, either because they had to in order to survive or in order to supplement the family income. Some were engaged as apprentices or as domestic servants; others were self-employed. The factors that caused the phenomenon of child labour were poverty, broken homes, large family size and migration into the towns. Unfortunately there were no adequate statistics on the numbers of working children and street children.

4. The Government acknowledged and was concerned about the problem. Together with non-governmental organizations it was seeking to address it through programmes aimed at reducing poverty by means of comprehensive strategies, programmes to educate the general public and parents, on their responsibilities towards children, family planning programmes to encourage smaller family sizes and intensive general public education on the need to keep down family size. There were also programmes aimed at addressing the needs of children who were already on the streets, and there a distinction had to be made between children who worked and lived on the streets and those who worked on the streets but went home to their families at night. Because of the school shift system in Ghana, children sometimes went to work before going to school, and it was not always the case that such work prevented school attendance. The Government and non-governmental organizations (NGOs) were doing a great deal to solve the problem of street children, with programmes to address their health, education and training needs and programmes that counselled them to go back to their family. A few NGOs had established day-care centres for street children. The Government was now developing a policy to coordinate all NGO and Government activities for the alleviation of their plight.

5. Enforcement of the labour laws was still weak and haphazard, but the mechanism for monitoring work in the vast informal sector of the economy was to be expanded, and it was hoped that that would result in more effective enforcement.

6. Although they were inadequate, some allowances were paid to families recognized as destitute. For example, where resources permitted the school fees of their children were paid. Women in destitute families were also encouraged to engage in income-generating activities.

7. Ms. SAGOE-MOSES (Ghana) said that there was a health component in the services provided for street children. The Ministry of Health offered immunization and health education, especially relating to sexually transmitted diseases. In 1997 it had launched an adolescent reproductive health programme to promote and protect the physical and psychosocial well-being of adolescents, with emphasis on their reproductive health. The objectives were to determine the magnitude of adolescent health problems, to determine the level of knowledge, attitudes, beliefs and practices of Ghanaians regarding adolescent reproductive health, to make information on the relevant programmes available at regional and district levels and to integrate such measures into the existing primary health care programme by the end of 1997.

8. The target groups for the adolescent reproductive health programme were the primary recipients and the secondary audiences who influenced their attitudes and behaviour. The primary recipients included children both in and out of school and special groups such as street children, teenage mothers, adolescent couples and mentally disabled and physically challenged adolescents. The secondary audiences were older spouses and partners of adolescents, parents and guardians, teachers and school authorities, and social workers.

9. Ms. APPIAH (Ghana) said that under the proposed Children's Act, which closely followed the main ILO convention on child labour, the present distinction between light work in agriculture or the home, which was permitted, and other work that was not would disappear; the new legislation would proscribe child labour which was exploitative, depriving the child of health, education and development. It was also proposed that the minimum age for engaging in light child labour be 13 or 14; for general labour 15; and hazardous labour 18. The age of 15 was also the age that marked the end of junior secondary schooling. At present child labour legislation was enforced mainly in the formal sector of the economy, but it was proposed to enforce it in the informal sector through the decentralized bodies such as the social services sub-committees of District Assemblies and the decentralized Department of Social Welfare.

10. Referring to the disparity in minimum ages under the existing legislation, she said that in the Children's Act the ages would be made uniform and consistent with the Constitution and the Convention; the minimum age of marriage would be 18 for both sexes, but those aged between 16 and 18 could marry if they were doing so voluntarily and with their parents' consent. Under the present Code of Criminal Procedure the age of criminal responsibility was 7 years. However, in accordance with the Beijing Rules and other international conventions it was proposed to increase that age to 14. Likewise the age of sexual responsibility would be raised from 14 to 16.

11. At present juvenile offenders up to the age of 18 were detained in industrial schools, while young offenders between the ages of 18 and 21 were detained in Borstals. Under the Child Law Reform project the names of those

institutions were to be changed to junior and senior correctional centres respectively. Ghana had always had juvenile courts and remand homes for juveniles, and when a juvenile was first arrested and taken to a police station the law provided that he be held separately from adults. Frequently, however, the facilities for that were simply not available. Juvenile courts were always held in private and prosecuting officers were not allowed to wear uniform. Those provisions would be strengthened under the Child Law Reform. The present provisions relating to the protection of juveniles and their right to privacy were not adequate, and it was intended to correct that situation. Finally, she emphasized that under the Code of Criminal Procedure no person under the age of 18 could be sentenced to death.

12. Ms. AKUFFO-AMOABENG (Ghana), replying to a question regarding the concept of the best interests of the child, said that recent years had seen changes in attitudes internationally and the best interest of the child were now much more regularly taken into account in Ghana. The Education Act 1961 had decreed that basic education was both free and compulsory, but that had not been completely enforceable because of the country's financial situation and because many children had to travel a long distance to reach a school. Under the new policy of achieving free compulsory basic education by 2005, the Ministry of Education was making sure that no child had to walk further than two kilometres to get to school. Since the beginning of 1997 prenatal care had become the responsibility of the Government.

13. Replying to the point raised concerning affirmative action for education in the rural areas of Ghana, she said that since the 1960s free education had been provided for all children in the northern areas. District assemblies had a policy of granting scholarships to needy children. The Non-Formal Education Division of the Ministry of Education had made considerable efforts to improve child literacy levels in conjunction with Catholic Action for Street Children, which had better vocational and technical facilities. Primers had been produced and children were encouraged to leave the streets, acquire non-formal educational skills and become integrated into vocational schools or into the normal school system.

14. Mrs. MBOI asked whether if a child of, say, 14 married she was considered to be mature and therefore not subject to legislation relating to children.

15. Mr. FULCI, referring to his earlier question relating to child labour statistics, said that he would still welcome comment on an ILO study carried out in three rural districts of Ghana in 1992-1993, which had shown that 11 per cent of school age children were employed for wages and another 15 per cent were employed without remuneration. He had been surprised by the statement in paragraph 33 of the report (CRC/C/3/Add.39) that efforts were being made to organize educational programmes for children who "must" work during school hours. He requested further information on the structure and goals of those programmes and some particulars of the activities of the NGO, Catholic Action for Street Children.

16. Mrs. KARP asked whether there was budgetary provision for action in favour of children suffering from AIDS and what attitude was taken to children who were found to be HIV-positive - did they still attend school and what

measures were taken - and by whom - to enable them to continue to live fully in society. Was the apparent ambivalence regarding enforcement of child labour law due to the inadequate number of inspectors or to the absence of a positive policy decision to enforce the legislation. While such a decision was necessary, it was not enough; there had to be trained inspectors who agreed with the policy they were enforcing. Would the proposed new legislation prohibit corporal punishment in schools and in the home? She pointed out that the Convention spoke of physical protection in terms of any violence applied to the child. She noted that Ghana had not ratified the Convention against Torture and also that mental torture was not prohibited under the Ghanaian Constitution; was new legislation planned which would prohibit that form of torture?

17. Mr. KOLOSOV recalled that he had asked about discriminatory practices. In what fields did they occur most often, on what grounds, and had any relevant studies been undertaken? The report did not cover all the practices referred to in the Convention. A statistical study of child labour and street children in Ghana should be undertaken because in the absence of data it would be difficult to determine whether Ghana's programmes had been successful when the country's second periodic report was considered by the Committee.

18. Mr. RABAH inquired how Ghana dealt with discrepancies between constitutional law and customary or tribal law in the treatment of children.

19. Ms. SARDENBERG said that the phenomenon of street children was closely related to that of poverty and its existence violated many of the rights protected by the Convention. Statistical research on the phenomenon was admittedly difficult and Ghana could perhaps benefit from the views and expertise of international bodies in that regard. The Government should also seek to develop stronger relations with NGOs, in particular with regard to street children. It would be useful to know the attitude of Ghanaian police toward street children. Were training programmes conducted to inform police of the principles of the Convention?

20. Paragraph 40 of the report indicated that small children in Ghana received fewer protein foods than did adults. What was the reason for that disparity? The report mentioned in paragraph 79 the special services available to disabled children. She would welcome information on the discrimination against such children that existed in Ghanaian society.

21. Ms. OUEDRAOGO inquired whether a system existed for the inspection of conditions in day-care centres. When the authorities discovered the existence of a clandestine day-care centre, what was their response? She was heartened to learn that the traditional Ghanaian disinclination to listen to children was changing; more adults should, however, be involved in the effort to communicate to others the basic principle that children's views must be heard. Greater emphasis should be placed on adult training programmes.

22. She welcomed the considerable attention that was accorded to the matter of the best interests of the child in the Ghanaian report. Children sometimes went to live in the street not from necessity but from preference. It would be useful to know how the authorities approached such cases, which represented a conflict between a child's wishes and his best interests.

23. Ms. MOKHUANE inquired how educational scholarships were used in Ghana, and asked for information concerning gender discrimination in access to education; in particular, whether any measures had been established to prevent discrimination against young girls. Ghana should describe any studies it might have conducted to assess the roles of boys and girls, and in particular the situation of girls in the home.

24. Had any programmes been set up to instruct teachers in the principles embodied in the Convention?

25. The CHAIRPERSON said that several questions she had asked at the previous meeting had not been answered: firstly, concerning the civil status of a married minor, secondly, concerning the relationship between traditional law and statutory law, and thirdly, whether marriages entered into without parental consent were annulled.

26. Ghana should describe what measures, if any, it was taking to prevent discrimination against children born out of wedlock. It had been stated that responsibility for ensuring birth registration lay with the districts. In that connection she pointed out that the Committee had often recommended that countries with large land masses should institute mobile registration programmes. The act of registration legally created a person; what were the practical implications in Ghana of failure to register a birth? How, for instance, did the courts establish the age of an unregistered child.

27. Mrs. KATSRIKU (Ghana) said that, since child labour took place only in the informal sector, parents were not punished for obliging their children to work; the issue of manipulation simply did not arise. It was true that Ghana suffered from a shortage of labour inspectors. When the 1967 Labour Decree was passed, child labour had not been a significant problem, and the legislation consequently had made no provision for such inspections. Ghana was endeavouring to train more inspectors and to draft programmes for inspection of the informal sector, and in particular of small enterprises.

28. Efforts were made to trace the families of street children. If the family environment was satisfactory, a child could, through counselling, be persuaded to go home; otherwise he invariably returned to the street.

29. Research on the work performed by boys and girls in the home had shown that attitudinal discrimination did indeed exist. Girls worked an average of 156 minutes a day, whereas boys worked only 100 minutes.

30. Ghana had limited resources for statistical research, and had therefore been unable to compile comprehensive data on street children or child labour. Isolated studies of street children had been conducted in large cities, where it appeared that the phenomenon was worsening. The Government was in the process of drawing up research programmes concerning child labour, but their execution would be subject to support from donors.

31. Ms. AKUFFO-AMOABENG (Ghana) said that the University of Ghana's Faculty of Sociology had a department of social policy analysis, funded by UNICEF. On an ad hoc basis, that department had begun collecting data concerning street children, gender inequality, child labour, and children in remand.

32. Although more than one school shift was available to urban working children, rural children were educationally disadvantaged when they had to work during the day. Ghanaian child literacy programmes therefore concentrated on rural areas. The Canadian Government had assisted the Ghana National Commission on Children (GNCC) in the development of pilot child-literacy programmes, and its staff members had in fact provided classes to street children on a volunteer basis. When that programme later received funding, GNCC turned it over to the Ministry of Education's Non-Formal Education Division.

33. The Ghanaian statistical service would be conducting a national census in either 1998 or 1999, and the GNCC had offered its views in that connection. The statistical service had indicated that data on street children could not appear on the census. In conjunction with USAID and the National Population Council, the GNCC was, however, considering the possibility of conducting a survey concerning adolescent reproductive health and street children, which in their view could yield the needed data.

34. Ms. ALBERTA QUARTEY (Ghana) said that, in dealing with street children, social welfare workers did in fact endeavour to reconcile a child's rights with his best interests. The Government did not shut down unlicensed day-care centres; rather the Ministry of Education and the Department of Social Welfare encouraged its staff to attend a three-week course at the national nursery training school. Furthermore, licensed centres often sent their staff to attend such clandestine day-care centres and organized seminars to improve their services and facilities.

35. Ms. AKUFFO-AMOABENG (Ghana) said that police, obliged to enforce anti-loitering laws, were always in conflict with street children. The GNCC conducted police training workshops to sensitize members of the police force to the matter of children's interests and rights.

36. The District Assemblies and the Forum for African Women Educationalists awarded scholarships to children who wished to study in Senior Secondary Schools. F'CUBE, the Free Compulsory Universal Basic Education programme, which had been launched only in 1996, would not be in full operation until 2005.

37. It fell to the District Assemblies to oversee birth registration, under the auspices of the Ministry of Health. "Traditional birth attendants", Assembly members, and schoolteachers were among those who contributed to the effort. In Ghana, the concept of illegitimacy simply did not exist; Ghanaian child policy made no distinction between children born in and out of wedlock.

38. Ms. SAGOE-MOSES (Ghana) said that all child welfare clinics had on-site registration offices, and had initiated the practice of recording birth registration numbers on immunization cards so as to alert staff to the presence of unregistered children. In addition, the many Ghanaian "traditional birth attendants" were trained to keep a record of the children born under their care.

39. Both licensed and unlicensed day-care centres benefited from Government outreach services, including school health care programmes.

40. In 1997 Ghana had launched an AIDS/STD programme whose purpose was to coordinate the national response to the AIDS epidemic. Under that programme, technical units of the Ministry of Health worked together with other ministries and with NGOs in the areas of epidemiological surveillance, information and education, clinical management, counselling, home-based care, laboratory support and blood-transfusion services. AIDS committees coordinated regional and district-level prevention and control efforts.

41. Mrs. KATSRIKU (Ghana) said that, although the Constitution forbade discrimination against children with disabilities, social discrimination continued to exist. Ghana had mounted community-based rehabilitation programmes which had succeeded in enrolling numbers of disabled children in regular schools and which were effectively transforming societal attitudes.

42. Finally, young offenders sometimes inflated their age so as to be tried by the regular courts, which administered lighter sentences; it was hoped that the Children's Bill would resolve that problem.

43. Ms. APPIAH (Ghana), referring to legal issues that had been raised, explained that in situations where children did not know their age a medical practitioner would certify it for them. The age so determined would be taken into account by juvenile courts and family tribunals for trial purposes. With regard to child abuse, including torture, the list of children's rights contained in article 28 of the national Constitution was not exhaustive. Paragraph 40 of Ghana's initial report was perhaps misleading in that regard. The new Children's Bill would state clearly that discrimination must not occur on grounds of age or disability. The Bill would also contain a provision requiring any person with information on child abuse to report the matter to the authorities. Child abuse was defined as any kind of contravention of a child's rights which caused physical harm to the child. With regard to mental abuse, the Constitution contained an omnibus provision to the effect that anything affecting human freedom or dignity was proscribed. The proposed legislation would also include a specific provision to protect children against torture and degrading treatment. The existing law on the punishment of juveniles, which was currently under review, provided that a 14-year-old offender might be sent to an industrial school for a period of 3 years in order to receive appropriate training. However, the institutionalization of children was clearly not in their best interest. In terms of future policy, juveniles would continue to be punished, but to a lesser extent in an institutional setting. A shorter period of incarceration would be followed by their release and return to their family, subject to approval by probation and/or social welfare officers.

44. With regard to the conflict between customary law and civil law, the two systems operated in parallel but could not mix. For example, a marriage had to be dissolved under one system before being entered into under another. Under customary law a marriage was between two families rather than between two individuals. The families came together to arbitrate. In a situation where the parents consented to their child's marriage, but the child did not wish to enter into the marriage, the child clearly faced a serious dilemma. Such situations were covered by the relevant omnibus provision of the Constitution relating to the freedom and dignity of a person at risk. Redress before the High Court was possible.

45. Ms. ALBERTA QUARTEY (Ghana) said that most children were not in a position to appeal to the High Court and the social welfare authorities provided assistance to children in such circumstances. Unfortunately, corporal punishment was practised, and even encouraged, in Ghana. There had recently been suggestions in the press that such punishment should be reintroduced in certain schools. However, efforts had been made to make the Ministry of Education realize that such practices were in violation of the Convention on the Rights of the Child. Rules could not be imposed on schools; it was possible only to advocate a particular point of view and to hope that schools would heed it. In the past any pupil could be caned by a teacher. Following representations, it had been decided that only head teachers might inflict caning and that particulars of the case should be recorded and be approved by inspectors.

46. Ms. AKUFFO-AMOABENG (Ghana) said that free compulsory education was still not the rule in Ghana and the majority of parents paid fees for their children's schooling. By the year 2005, legislation would have been introduced under which all children between the ages of 6 and 15 would have access to the first 9 years of education free of charge. Such a law would not have been enforceable in the past and its enactment would be dependent on achievement of a higher general level of education in the population at large.

47. Ms. ALBERTA QUARTEY (Ghana) said that even where tuition was free parents sometimes could not afford to buy school uniforms for their children. In northern Ghana, shepherd boys received instruction locally, in their habitat, so that they could continue to perform their duties and be educated at the same time. In certain instances parents were paid an amount corresponding to the services normally provided by their children so that the latter might benefit from schooling.

48. Ms. APPIAH (Ghana), referring to the question of conflict between customary and civil law, said that the national constitution always took precedence. Any law in conflict with the Constitution, whether customary or otherwise, was automatically null and void.

49. Mr. RABAH said that the only example which had been given of a conflict between customary law and the Constitution related to the case of marriage. However, in relation to children's rights there might exist the possibility of dangerous practices such as torture through the dehumanizing traditions prevalent in the customary law of certain tribes. What measures could be taken so that the Ghanaian Government, as a constitutional body, would take account of the Convention on the Rights of the Child in relation to such matters?

50. Ms. APPIAH (Ghana) said that in cases such as those referred to the customary law related to personal law. For example, female genital mutilation and ritual enslavement were both customary practices. However, the first had already been proscribed and the second was shortly to be prohibited. Conflicts did exist in relation to traditional beliefs but it was incumbent on governments to legislate and also to try to educate people accordingly.

51. Furthermore, with regard to inheritance, customary practices existed which were prejudicial to children's interests. However, satisfactory legal provision had been made in terms of providing for deprived children thanks to the customary laws of inheritance.

52. The CHAIRPERSON recalled Mr. Kolosov's question concerning the areas in which discriminatory practices occurred. The question of disability and children born out of wedlock had already been discussed but it was important to know whether relevant studies had been carried out. Regarding non-registered day-care centres, it had been stated that when such centres were discovered no sanctions were applied to them. In that case what benefits accrued to those which were registered?

53. Ms. ALBERTA QUARTEY (Ghana) said that authorization had recently been given to the National Commission on Children to regularize all existing day-care centres. Those which did not operate in accordance with children's interests were given time to overcome their deficiencies. If, following an appropriate period, a centre was still a threat to children, it was closed down and the children affected were found other places in the community. Unregistered centres were not provided with teachers, World Food Programme feeding facilities, primers or furniture. Efforts were being made to make it mandatory for all early childhood centres to be registered with the National Commission on Children and the Ministry of Education.

54. Ms. AKUFFO-AMOABENG (Ghana), replying to Mr. Kolosov's question concerning non-discrimination, said that Ministry of Justice officials had made it clear that the Constitution covered only some, and not all, of the relevant issues. The Constitution stipulated that age was not a category in which benefit could be derived from non-discrimination. Further legislation would be introduced to deal with the problems of age and disability. Some ad hoc studies had been conducted by the Department of Social Welfare. Most of those which concerned children had been undertaken in conjunction with UNICEF or UNDP. A Department of Social Policy Analysis had also been established.

55. Mr. KOLOSOV, clarifying his earlier question, said that the Ghanaian report made reference to article 17, section 2, of the Constitution which provided that "no person shall be discriminated against on the grounds of gender, race, origin, religion, social or economic status". The list of such grounds in article 2, paragraph 1, of the Convention on the Rights of the Child was much longer. Given the problem of amending the Constitution, it might be possible, through legislation, to cover all grounds of non-discrimination based on the status of a child's parents or legal guardians rather than the child itself. On what grounds did discriminatory practices occur most often in Ghana: race? language? colour? religion? political or other opinion? The list was endless. Once that question was answered, relevant programmes could be adopted to eradicate existing problems. It should also be made clear in which spheres of life discrimination was most common in Ghana, for example in education or in the registration of births.

56. Ms. AKUFFO-AMOABENG (Ghana) said that Ghana's Constitution made no reference to some of the grounds that had been mentioned. However, account should be taken of the fact that the legislation relating to children called for the principles of the Convention to be followed. Following the preparation of Ghana's report, certain deficiencies in the legislation had become apparent and it was now necessary to ensure that all laws were harmonized with the Convention. Ghana had paid particular attention to establishing a national population policy and to the need to ratify international treaties. That in turn had produced recommendations for child legislation. The main ground for discrimination in Ghana was gender, even though such forms of discrimination were illegal. Race and the other categories referred to were not major issues.

57. Ms. ALBERTA QUARTEY (Ghana) said that much had been done in Ghana to encourage mothers to send their children, and particularly girls, to school and special policies had been introduced to encourage girls to enter disciplines usually restricted to male pupils. With regard to nutrition, district health officers kept the public informed of the need of both sexes for proper nutrition and the Ministries of Health and Community Development instructed mothers on the value of sound nutritional practices.

58. Mr. KOLOSOV asked whether in the case of a disturbance or misbehaviour in the street or in the classroom, between a boy from a rich family and one from a poor family, both boys would be treated in an equal manner.

59. Ms. ALBERTA QUARTEY (Ghana) said that no institution would treat boys from different kinds of families in different ways. Should that happen, parents, the Parent-Teacher Association and the pupils themselves would object. Such occurrences of that nature as did take place were the reflection of human nature and not of a formalized institution.

60. The CHAIRPERSON said that one element of Ghana's child-law reform was the drawing up of a suitable training programme. Reference had been made to training of the police, the judiciary, prison officers and social workers. He wished to know whether teachers, government officials and other professionals would also receive training.

61. Ms. MOKHUANE, referring to corporal punishment, said that, under a system where teachers considered physical punishment to be necessary, a child could be badly harmed if no other system of discipline existed. She wished to know whether consideration had been given to training Ghanaian teachers in the use of other disciplinary methods. Furthermore, given that gender-related discrimination existed in the home, had national programmes been introduced to enhance the self-esteem of young girls who were most often the victims of such discrimination?

62. Ms. SARDENBERG said that additional efforts should be made in Ghana to help disabled children. A meeting to discuss the problems of such children was to take place later in 1997. The recommendations it produced might well be of interest to Ghana.

63. Mrs. MBOI said that in many countries young girls who became widows following a marriage under customary law were denied access to services or

benefits because of their previous married status. She wished to know if there were any such cases in Ghana and, if so, had legal action been taken to remedy the situation?

64. Domestic circumstances such as overcrowding were often partly responsible for the phenomenon of homeless and street children. AIDS orphans were another all too familiar phenomenon. Sometimes children who had begun as street workers were attracted by the experience of freedom from authority and became voluntary street children. It was only one step from there to prostitution, substance abuse and even criminality. In societies where there was a big gap between rich and poor, such children were often manipulated and commercialized. She recommended the provision of technical assistance to Ghana to study the causes of the phenomenon of street children and possible preventive measures, including action to eliminate domestic violence and sexual abuse. Street-based education for alternative living might also be preferable to no education where children were reluctant to return to their families.

65. She was surprised to read in paragraph 61 of Ghana's report that female circumcision was illegal, presumably even for Muslims. She suspected that the prohibition referred to genital mutilation.

66. Mrs. KARP agreed with Mrs. Mboi on the possible relationship between street children and domestic violence. Studies had also shown a linkage between street children and sexual abuse in the family.

67. Was it true that police officers were authorized to take children directly from the street to court without the intervention of social workers? The dynamics of the relationship between street children and the police was such that children would automatically be treated as offenders. She suggested that the regulations should be amended in the Child Law Reform project.

68. Why was corporal punishment not prohibited by law? Article 19, paragraph 1, of the Convention required States parties to take appropriate measures to protect the child from all forms of physical or mental violence - and not just excessive violence - while in the care of the parents or legal guardians. Article 28, paragraph 2, required them to ensure that school discipline was administered in a manner consistent with the child's human dignity. The Ghanaian Criminal Code, which referred to the use of unjustifiable force for the child's correction, was not in conformity with the Convention. The harmful effects of corporal punishment had been well documented and she strongly recommended that Ghanaian legislation should be amended to bring it into line with the Convention and that parents should be alerted, through the media or other channels, to the harmful effects of corporal punishment and informed about alternative methods of discipline.

69. She was concerned that the legislative provision prohibiting mental torture was not as explicit as that concerning physical torture. All forms of torture were an assault on human dignity and the prohibition should be universal. What was the complaints procedure for child victims of abuse or torture and was there any provision for rehabilitation or compensation?

70. Where traditional marriages were arranged among families, often for exclusively economic reasons, the child - usually the girl - tended to be relegated to the status of a commodity. Was there any means of ensuring that her wishes were taken into account? She suggested that Ghana should consider prohibiting and prescribing penalties for under-age family marriages, given that the legal age for marriage had been raised to 18 or to 16 in special cases.

71. Under Ghanaian adoption laws, children were denied the right to ascertain the identity of their natural parents. Had any steps been taken to remedy that situation?

72. Ghana had not yet ratified a number of United Nations human rights instruments or Convention No. 138 of the International Labour Organization concerning the Minimum Age for Admission to Employment. She believed that accession to those instruments would help to create in Ghana a social climate conducive to respect for human rights.

73. No study had yet been undertaken in Ghana of sexual abuse in the family. She wished to know whether the problem of domestic violence had been studied and whether there were any plans to deal with a phenomenon that had an extremely harmful impact on children, even when they were not its direct victims? She understood there were plans to legislate for notification of abuse to the authorities but was unclear as to which authorities were meant. Was there a plan of action to change public attitudes, particularly in the police force, so that domestic violence and sexual abuse in the family were no longer treated as "a family affair" but as a criminal offence? It was important not only to educate public opinion but also to ensure that the law was enforced in such cases. Provision should be made for rehabilitation of child victims and there should be an easily accessible channel for complaints. Above all, children should be able to relate their experiences without incurring further emotional damage. There were many evidential rules and procedures designed to assist child victims in such circumstances.

74. Ms. SARDENBERG, referring to paragraph 137 of the report, which mentioned the exploitation of girls as domestic servants, asked whether any action was being taken to redress the situation. She gathered from the reply to question No. 35 in the Committee's list of issues (CRC/C/Q/GHA/1) that the Government was undertaking a study to ascertain the extent of such abuse. Had it been published in the meantime and, if so, had any recommendations been made and was any new legislation contemplated to address the problem of such abuse?

75. She agreed with Mrs. Karp on the important role played by societal attitudes to street children, domestic violence and sexual abuse in the family. As the Ghanaian Criminal Code allowed the police to use force when arresting suspects, she assumed that no exception was made in the case of street children. She also understood that it was acceptable for husbands in Ghana to discipline their wives for alleged disobedience.

76. Finally, she inquired about the de facto situation regarding the child's right to privacy and freedom of expression within the family.

77. Mr. FULCI said he was deeply disturbed by reports of severe abuse of girls under the Trokosi system, a traditional practice that was particularly

prevalent in the Volta region. The girls, usually under the age of ten, were enslaved to fetish priests in atonement for some offence committed by their families and subjected to forced labour and sexual abuse, often bearing the priests' children. Even after release, a woman's obligations to the shrine were lifelong and a replacement was expected when she died. It was estimated that some 4,500 girls were caught up in that system. A local non-governmental organization was said to have achieved some success in approaching village authorities and the priests themselves with the ultimate objective of securing the release of girls in those circumstances. He was pleased to hear that the Government's recommendation to abolish Trokosi had been incorporated in the Criminal Code Amendment Bill 1997. What enforcement procedures were envisaged and what means of social persuasion were contemplated?

78. Mr. RABAH, referring to the principle of nulla poena sine lege, asked whether there was any provision in Ghana's Criminal Code under which parents could be punished for neglect of their children or, in the most extreme case, for sale of their children's organs.

79. Mr. KOLOSOV drew attention to an inconsistency in the report regarding expenditure on education. Whereas paragraph 110 referred to cuts in government expenditure, paragraph 121 claimed that government spending on education was increasing. Which was correct?

80. The indirect school fees levied on parents to cover building maintenance, classroom furniture and other costs were incompatible with the requirement regarding free primary education in article 28, paragraph 1(a), of the Convention. States parties were also required to encourage secondary education through such measures as the introduction of free education and the provision of financial assistance in case of need. The aims of education set out in paragraph 122 of the report did not fully reflect the provisions of article 29 of the Convention, for example the aim of developing respect for civilizations different from that of the child.

81. Under decentralization policy, private schools were being established and local authorities were being given more power to influence curricula. He drew attention to the stipulation in article 29, paragraph 2, of the Convention that the education given in all establishments should conform to the minimum standards laid down by the State.

82. Mrs. KARP, referring to article 26 of the Convention, inquired about children's rights to social security benefits. Was there any plan of action in Ghana for early childhood development?

83. The CHAIRPERSON, speaking in a personal capacity, queried the adequacy of Ghana's system of social workers in terms of numbers, programmes and training content.

84. An inordinate burden seemed to be placed on the female parent in Ghana, a situation that was exacerbated in the case where the father was a delinquent. Was there any system of parental counselling, particularly for men, to instill a sense of parental responsibility, or was there a tendency for males to resist such counselling or the role it advocated?

The meeting rose at 12.55 p.m.